

REMARKS

Claims 1-16 are pending in the application. Claims 1, 3, 6-9, 11, 12, 14, and 16 have been amended by the present amendment. Claim 17 has been canceled without prejudice. The amendments are fully supported by the application as originally filed (see, e.g., specification at page 6, lines 9-12).

Claims 1, 3, 6-9, 11, 12, 14, 16, and 17 were objected to due to various informalities. These claims have been amended in the manner recommended by the Examiner, and thus the amended claims are believed to overcome the claim objections.

Claims 1-10, 16, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,274,965 to Jackson in view of U.S. Patent No. 4,311,292 to Deason. Claims 11-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jackson in view of U.S. Patent No. 5,146,718 to Baskett, and further in view of Deason. These rejections are respectfully traversed.

Independent claim 1 is directed to an apparatus for pivotally securing a gutter to a fascia, the gutter being pivotally moved between a first draining position and a second cleaning position. Independent claims 9, 11, and 16 recite a gutter, a guttering system, and a method of cleaning a gutter, respectively.

As amended, independent claims 1, 9, 11, and 16 each recite:

a releasable locking means, to releasably lock said gutter in said first draining position, said releasable locking means including a swivel lock attached to said connector and which is adapted to protrude through an elongated orifice within said bracket, such that, when in the first draining position, said swivel lock may be rotated such that said connector is prevented from moving apart from said bracket.

For example, referring to FIG. 1 of the application, a swivel lock 15 can be attached to a gutter bracket (or "connector") 3, the swivel lock 15 protruding through an elongated orifice 16 within a fascia bracket 2, such that in a draining position, "the swivel lock may be rotated such

that the gutter bracket 3 is prevented from moving apart from the fascia bracket 2," as described on page 6, lines 9-12 of the specification.

As recited in independent claims 1, 9, 11, and 16, the swivel lock may be rotated, thereby permitting the gutter to be outwardly pivoted from the first draining position to a second cleaning position. Accordingly, leaves and other debris may fall or be easily removed. Once cleaned, the gutter may be returned to the draining position, and the swivel lock may be relocked. See, e.g., page 6, lines 18-23 of the specification.

Regarding the rejection of independent claims 1, 9, 11, and 16 over the proposed combinations of Jackson in view of Deason, and Jackson in view of Baskett and further in view of Deason, the proposed combinations do not teach or suggest an apparatus for pivotally securing a gutter to a fascia, a gutter, a guttering system, or a method of cleaning a gutter including "a releasable locking means, to releasably lock said gutter in said first draining position, said releasable locking means including a swivel lock attached to said connector and which is adapted to protrude through an elongated orifice within said bracket, such that, when in the first draining position, said swivel lock may be rotated such that said connector is prevented from moving apart from said bracket," as recited in independent claims 1, 9, and 16.

Jackson discloses a gutter bracket assembly for rotating a gutter, in which the gutter may be secured to the bracket by means of a snap-fit assembly. Once assembled, the gutter may be rotated by being manually operated from below, by a user using a pole 60 with a hook 62 thereon such that the gutter may be rotated from a rain gathering position to an inverted position (see, e.g., column 4, lines 56-66 of Jackson).

On page 4 of the Office Action of 08/20/2008, it was admitted that the Jackson reference does not teach or suggest a releasable locking means "to releasably lock said gutter in said first draining position."

The Deason reference was cited allegedly to remedy the deficiencies of Jackson.

Deason discloses a gutter support bracket which includes a hinge about which the gutter can pivot. The bracket arrangement incorporates a friction type block latch 5 having a hole 15 on its face for receiving a pop rivet 6 (see column 2, lines 20-23 of Deason).

However, the Deason reference does not teach or suggest a releasable locking means including a "swivel lock attached to said connector and which is adapted to protrude through an elongate orifice within said bracket," as recited in independent claims 1, 9, 11, and 16.

In Deason, the pop rivet 6 does not constitute a swivel lock as claimed, as the pop rivet is not configured to rotate to provide a locking function (i.e., "such that said connector is prevented from moving apart from said bracket" as claimed).

Further, the pop rivet 6 is not attached to a "connector" as claimed, but instead is attached to a back face 9 of the gutter 8 itself (see column 2, lines 24-27 of Deason).

Unlike the Applicant's claimed invention, the gutter support of Deason is still capable of accidentally inverting in the event that there is a large amount of water and/or debris entering the gutter from the rook.

For at least the reasons discussed above, the proposed combinations of Jackson in view of Deason, and Jackson in view of Baskett and further in view of Deason do not teach or suggest the Applicant's claimed invention. Therefore, independent claims 1, 9, 11, and 16 and their respective dependent claims are patentable over the proposed combinations.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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Date: February 20, 2009

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